

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO: 5:18-CR-00505-FL-1**

UNITED STATES OF AMERICA

v.

JACKLINE NAOMI
WANJIRU IRUNGU
Defendant

**SECOND MOTION TO
CONTINUE SENTENCING**

NOW COMES Defendant, JACKLINE NAOMI WANJIRU IRUNGU, by and through her undersigned counsel, and respectfully moves this Honorable Court for an order continuing Sentencing in this matter, which is currently set for December 7, 2021 in New Bern, North Carolina. The undersigned seeks Sentencing be continued until the next term of court based upon the following:

1. On December 19, 2018, Defendant was named in a three-count Indictment: Count One charging that, beginning in or around January of 2014, and continuing through on or around March of 2016, Defendant knowingly and willfully combined, conspired, confederated, and agreed with other persons known and unknown to commit certain offenses against the United States, that is, knowingly enter into a marriage for the purpose of evading provisions of the immigration laws, namely Title 8, United States Code, Sections 1154 and 1186a, which provisions restrict the availability of lawful permanent status, applied for on the basis of marriage to a United States citizen to those foreign-born nationals who have entered into the marriage in good faith, not in exchange for something of value, and not for the purpose of procuring the foreign-born national's admission as an immigration in violation of Title 8,

United States Code, Section 1325(c); Count Two charging that Defendant, on or about March 2, 2015, did knowingly and unlawfully enter into a marriage for the purpose of evading a provision of the immigration laws of the United States in violation of Title 8, United States Code, Section 1325(c); and Count Three charging that Defendant, on or about June 2, 2015, did aid and abet individual C.M.B. to knowingly make a false statement under oath in a case, proceeding, and matter relating to, and under, and by virtue of any law of the United States relating to naturalization, citizenship, and registry of aliens, that is, Defendant completed and provided individual C.M.B. a Form I-130 for his certification claiming falsely that Defendant and individual C.M.B. were married in good faith, when in fact, as Defendant then and there knew, Defendant had knowingly and unlawfully entered into the marriage with individual C.M.B. for the purpose of evading a provision of the immigration laws of the United States in violation of Title 18, United States Code, Sections 1015 (a) and 2.

2. On August 26, 2020, the undersigned filed a Notice of Attorney Appearance and Request for Discovery.

3. On February 24, 2021, Defendant was arraigned and entered a plea of guilty to count 1 of the Indictment pursuant to a written plea agreement.

4. On July 21, 2021, the final Presentence Investigation Report was filed.

5. On July 26, 2021, the Court entered an order setting Defendant's Sentencing for August 17, 2021, at 9:30 a.m. in New Bern, North Carolina.

6. On August 3, 2021, the Court entered an order granting Defendant's First Motion to Continue Sentencing and resetting Sentencing for the Court's December 7, 2021 term of court.

7. Defendant is currently residing out of state on pretrial release.

8. Defendant gave birth on November 10, 2021 and is still in the hospital.
9. Undersigned counsel is in need of additional time to consult with Defendant and prepare for Defendant's Sentencing.
10. Defendant consents to the exclusion of any period of delay caused by this continuance from Speedy Trial Act calculations.
11. The assigned Assistant United States Attorney, Sebastian Kielmanovich, has been contacted regarding this motion and the Government has no objections to this request.
12. This request for a continuance is made in good faith and not for purposes of delay.

WHEREFORE, Defendant, JACKLINE NAOMI WANJIRU IRUNGU, respectfully requests that this Motion be granted, that the Sentencing in this case be continued to the Court's next term of court.

This 15th day November 2021.

VENTERS LAW OFFICES

/s/Christopher B. Venters
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CJA-Appointed

CERTIFICATE OF SERVICE

This is to certify that I am, and was at all times hereinafter mentioned, more than eighteen (18) years of age, that on this day I electronically filed this Notice of Appearance with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Sebastian Kielmanovich
United States Attorney's Office - EDNC
150 Fayetteville St., Ste 2100
Raleigh, NC 27601
Sebastian.Kielmanovich@usdoj.gov
(Via CM/ECF)

This 15th day of November 2021.

VENTERS LAW OFFICES

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